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Agenda item 109

PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

Report of the Third Committee

Rapporteur: Mrs. Mónica MARTÍNEZ (Ecuador)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Programme of activities of the International Decade of the World's Indigenous People" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 32nd, 39th and 43rd meetings, on 11, 17 and 19 November 1997. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/52/SR.32, 39 and 43).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the implementation of the programme of activities for the Decade (A/52/509).

4. At the 32nd meeting, on 11 November, the Director, New York Office of the United Nations High Commissioner for Human Rights, made an introductory statement (A/C.3/52/SR.32).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.3/52/L.40/Rev.1

5. At the 39th meeting, on 17 November, the representative of Denmark, on behalf of Armenia, Australia, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Canada, Chile, Colombia, Cyprus, Denmark, Ecuador, Estonia, Fiji, Finland, France, Greece, Guyana, Iceland, Mexico, the Netherlands, New Zealand, Norway,

Peru, Solomon Islands, Spain and Sweden, introduced a draft resolution entitled "International Decade of the World's Indigenous People" (A/C.3/52/L.40/Rev.1). Subsequently, Argentina and Turkmenistan joined in sponsoring the draft resolution.

6. At the 43rd meeting, on 19 November, Costa Rica and Guatemala joined in sponsoring the draft resolution.

7. At the same meeting, the Committee adopted draft resolution A/C.3/52/L.40/Rev.1 without a vote (see para. 8).

III. RECOMMENDATION OF THE THIRD COMMITTEE

8. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

International Decade of the World's Indigenous People

The General Assembly,

Recalling its previous resolutions on the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade,[1] the need for adequate financial support from the international community, including support from within the United Nations system, and the need for adequate coordination and communication channels,

1. Takes note of the report of the Secretary-General on the implementation of the programme of activities for the International Decade of the World's Indigenous People;[2]

2. Affirms its conviction of the value and diversity of the cultures and forms of social organization of indigenous people, and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world;

3. Emphasizes the importance of strengthening the human and institutional capacity of indigenous people to develop their own solutions to their problems

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[1] Resolution 50/157, annex.

[2] A/52/509.

and, for these purposes, its recommendation that the United Nations University consider the possibility of sponsoring, in each region, one or more existing institutions of higher education as centres of excellence and the diffusion of expertise, inter alia, by conducting relevant studies, and invites the Commission on Human Rights to recommend appropriate means of implementation;

4. Notes that the programme of activities for the Decade may be reviewed and updated throughout the Decade and that at the mid-point of the Decade the Economic and Social Council and the General Assembly should review the results of the activities in order to identify obstacles to the achievement of the goals of the Decade and to recommend solutions for overcoming those obstacles;

5. Decides to appoint the United Nations High Commissioner for Human Rights as Coordinator for the International Decade of the World's Indigenous People and requests her in that capacity:

(a) To promote the objectives of the Decade, taking into account, in the fulfilment of her functions, the special concerns of indigenous people;

(b) To consider organizing a workshop for research and higher education institutions, as outlined in Commission on Human Rights resolution 1997/32 of 11 April 1997,[3] focusing on indigenous issues, in consultations with indigenous people and the relevant United Nations bodies;

(c) To give due regard to the dissemination of information on the situation, cultures, languages, rights and aspirations of indigenous people;

(d) To submit, through the Secretary-General, an annual report to the General Assembly on the implementation of the programme of activities for the Decade;

6. Reaffirms as a major objective of the Decade the adoption of a declaration on the rights of indigenous people, and underlines the importance of effective participation by indigenous representatives in the open-ended inter-sessional working group of the Commission on Human Rights established pursuant to Commission on Human Rights resolution 1995/32 of 3 March 1995;[4]

7. Also reaffirms among the objectives of the Decade, as listed in the programme of activities, the consideration of the establishment of a permanent forum for indigenous people in the United Nations system;

8. Welcomes the holding of the Second Workshop on the Consideration of a Permanent Forum for Indigenous People, in Santiago, Chile, from 30 June to

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[3] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

[4] Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

2 July 1997, takes note of the report[5] thereon, and recommends that the Commission on Human Rights at its fifty-fourth session take into account the outcome of the workshop and the comments received by the United Nations High Commissioner for Human Rights from Governments, the relevant United Nations bodies and organizations and the specialized agencies, non-governmental organizations and indigenous organizations in its further consideration of the possible establishment of a permanent forum for indigenous people within the United Nations system;

9. Also welcomes the holding of the workshop on traditional knowledge and biological diversity, in Madrid from 24 to 28 November 1997, convened to address the implementation of article 8 (j) of the Convention on Biological Diversity[6] with regard to the role of traditional knowledge, innovations and practices of indigenous and local communities in the sustainable use of biological diversity;

10. Encourages Governments to support the Decade by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade, in consultation with indigenous people;

(b) Seeking means, in consultation with indigenous people, of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters that affect them;

(c) Establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(d) Contributing to the voluntary United Nations Trust Fund for the Decade;

(e) Contributing, together with other donors, to the United Nations Voluntary Fund for Indigenous Populations in order to assist indigenous representatives in participating in the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities and the open-ended inter-sessional working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous people;

(f) Considering contributing, as appropriate, to the Fund for the Development of Indigenous Peoples in Latin America and the Caribbean, in support of the achievement of the goals of the Decade;

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[5] E/CN.4/SUB.2/AC.4/1997/CRP.1.

[6] See United Nations Environment Programme, Convention on Biological Diversity (Environmental Law and Institution Programme Activity Centre), June 1992.

(g) Identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people, and intergovernmental and non-governmental organizations;

11. Invites the United Nations financial and developmental institutions, operational programmes and the specialized agencies, in accordance with the existing procedures of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of those people in developing countries, including by preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points for coordination of activities related to the Decade with the Office of the United Nations High Commissioner for Human Rights;

12. Recommends that the Secretary-General ensure coordinated follow-up to the recommendations concerning indigenous people of relevant world conferences, namely, the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992, the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, and the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995;

13. Requests the United Nations High Commissioner for Human Rights to submit, through the Secretary-General, to the General Assembly at its fifty-third session a report on the implementation of the programme of activities of the Decade;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Programme of activities of the International Decade of the World's Indigenous People".

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Agenda item 110

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Mrs. Mónica MARTÍNEZ (Ecuador)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Elimination of racism and racial discrimination" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 111 at its 27th to 29th meetings, on 6 and 7 November 1997, and took action on the item at its 35th, 37th and 49th meetings, on 13, 14 and 26 November 1997. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/52/SR.27-29, 35, 37 and 49).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant sections of the report of the Economic and Social Council for 1997 (A/52/3);[1]

(b) Report of the Committee on the Elimination of Racial Discrimination;[2]

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[1] To be issued in final form as Official Records of the General Assembly, Fifty-second Session, Supplement No. 3 (A/52/3/Rev.1).

[2] Official Records of the General Assembly, Fifty-second Session, Supplement No. 18 (A/52/18).

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(c) Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/52/463);

(d) Report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (A/52/528);

(e) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/52/471);

(f) Letter dated 14 April 1997 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General transmitting a copy of the report on the policy of ethnic cleansing/genocide conducted in the territory of Abkhazia, Georgia (A/52/116-S/1997/317);

(g) Letter dated 10 June 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/52/187);

(h) Letter dated 25 August 1997 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General (A/52/301-S/1997/668);

(i) Note verbale dated 17 July 1997 from the Permanent Mission of Albania to the United Nations addressed to the Secretary-General (A/52/254-S/1997/567);

(j) Letter dated 1 October 1997 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries, held in New York on 25 September 1997 (A/52/447-S/1997/775).

4. At the 27th meeting, on 6 November, the Committee heard statements by the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, the Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Director of the New York Office of the United Nations High Commissioner for Human Rights (see A/C.3/52/SR.27).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/52/L.31 and Rev.1

5. At the 35th meeting, on 13 November, the representative of the United Republic of Tanzania, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, and Turkey, introduced a draft resolution entitled "Measures to combat contemporary forms of racism, racial

discrimination, xenophobia and related intolerance" (A/C.3/52/L.31), which read as follows:

"The General Assembly,

"Recalling its resolution 51/79 of 12 December 1996 and Commission on Human Rights resolutions 1997/73 and 1997/74 of 18 April 1997,

"Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in particular the attention given to the Vienna Declaration and Programme of Action[3] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

"Aware that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

"Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[4] including its conclusions and recommendations,

"Deeply concerned that despite continued efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, continue to persist and even grown in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

"Also deeply concerned that the misuse of new communications technologies, particularly the Internet, has led to new forms of racism and racial discrimination,[5]

"Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity, and on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible segments of many societies and are perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

"Noting that the Committee on the Elimination of Racial Discrimination, in its recommendation XV on article 4 (42) 1993, holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the rights to freedom of opinion and

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[3] A/CONF.157/24 (Part I), chap. III.

[4] See A/52/471.

[5] Ibid., para. 46.

expression as outlined in article 19 of the Universal Declaration of Human Rights[6] and in paragraph 5 of the International Convention on the Elimination of Racial Discrimination,[7]

"Also conscious that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence to such crimes,

"Emphasizing the importance of creating conditions that foster greater harmony and tolerance within societies,

"1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;[4]

"2. Requests the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and specialized agencies in order to further their effectiveness and mutual cooperation;

"3. Welcomes the recommendation of the Special Rapporteur to convene, without further delay, a world conference on racism, racial discrimination, xenophobia and related intolerance, and to include the question of immigration and xenophobia on the agenda of such a conference;

"4. Affirms that under international human rights law, racism is not an opinion but an offence;

"5. Expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination and all racist violence, including related acts of random and indiscriminate violence;

"6. Also expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons of one colour or belief system that attempt to justify or promote racism and racial discrimination in any form;

"7. Further expresses its profound concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families, minorities, gypsies or nomads, and other vulnerable groups in many societies;

"8. Encourages all States, to include in their educational curricula and social programmes at all levels, as appropriate, knowledge, tolerance and respect for foreign cultures, peoples and countries;

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[6] Resolution 217 A (III).

[7] Resolution 2106 A (XX).

"9. Convinced that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in certain countries of the world requires a more integrated and focused approach on the part of the relevant mechanisms of United Nations human rights machinery;

"10. Encourages Governments to take measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

"11. Categorically condemns the role played by some print, audio-visual and electronic media, particularly the Internet, in inciting acts of violence motivated by racial hatred;

"12. Recognizes that Governments should implement and enforce legislation to prevent acts of racism and racial discrimination;

"13. Calls upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to supply relevant information based on special situations in various countries to the Special Rapporteur to enable him to fulfil his mandates;

"14. Commends non-governmental organizations for the action that they have taken against racism and racial discrimination, and for the continuous support and assistance provided by them to the victims of racism and racial discrimination;

"15. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

"16. Requests the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance in carrying out his mandate efficiently, effectively and expeditiously to enable him to submit an interim report to the General Assembly at its fifty-third session."

6. At the 49th meeting, on 26 November, the Committee had before it a revised draft resolution (A/C.3/52/L.31/Rev.1), submitted by the same sponsors.

7. At the same meeting, the representative of the United Republic of Tanzania orally revised the text as follows:

(a) After the sixth preambular paragraph, the following new paragraph was added:

"Noting that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance";

(b) Operative paragraph 4, which read:

"4. Affirms that racism, in particular acts of racist violence, does not comprise expressions of opinion but rather offences;"

was replaced by the following text:

"4. Affirms that acts of racist violence against others stemming from racism do not comprise expressions of opinion but rather offences";

(c) In operative paragraph 9, the words "certain countries of the world" were replaced by the words "various parts of the world", and the word "focused" was replaced by the word "effective";

(d) In operative paragraph 10, the word "appropriate" was inserted before the word "measures";

(e) In operative paragraph 11, the phrase "Categorically condemns those who misuse some print, audio-visual and electronic media" was replaced by the phrase "Categorically deplores the misuse of print, audio-visual and electronic media", and the words "in inciting" were replaced by the words "to incite";

(f) In operative paragraph 12, the words "appropriate and effective" were inserted before the word "legislation";

(g) In operative paragraph 13, the words "based on situations in various countries" after the words "to supply relevant information to the Special Rapporteur" were deleted.

8. At the same meeting, Austria, Denmark, Finland, France, Germany, Iceland, Ireland, Israel, Italy, Liechtenstein, Norway, Poland, Portugal, the Republic of Moldova, Romania, Spain and Sweden joined in sponsoring the revised draft resolution.

9. Also at the same meeting, the representative of the United States made a statement in explanation of position (see A/C.3/52/SR.49).

10. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/52/L.31/Rev.1, as orally revised, without a vote (see para. 22, draft resolution I).

B. Draft resolution A/C.3/52/L.32

11. At the 35th meeting, on 13 November, the representative of Slovenia, on behalf of Austria, Australia, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Monaco, Morocco, Namibia, the Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Romania, Slovakia, Slovenia, Solomon Islands, South Africa, Sweden, The former Yugoslav Republic of Macedonia and Turkmenistan, introduced a draft resolution entitled "Report of the Committee on the Elimination of Racial Discrimination" (A/C.3/52/L.32).

12. At the 37th meeting, on 14 November, Argentina, the Democratic Republic of the Congo, Luxembourg, Mali, Spain and the United Kingdom of Great Britain and Northern Ireland, joined in sponsoring the draft resolution.

13. At the same meeting, on 14 November, the representative of Slovenia orally revised operative paragraph 7 of the draft resolution, by deleting the words "the communication of the Committee" after the words "as well as".

14. Also at the same meeting, the Committee adopted draft resolution A/C.3/52/L.32, as orally revised, without a vote (see para. 22, draft resolution II).

C. Draft resolution A/C.3/52/L.38 and Rev.1

15. At the 35th meeting, on 13 November, the representative of the United Republic of Tanzania, on behalf of the States members of the United Nations that are members of the Group of 77 and China, Mexico and Turkey, introduced a draft resolution entitled "Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference on racism, racial discrimination, xenophobia and related intolerance" (A/C.3/52/L.38), which read as follows:

"The General Assembly,

"Reaffirming its objectives set forth in the Charter of the United Nations to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism, in all its forms, and racial discrimination,

"Recalling the Universal Declaration of Human Rights,[8] the International Convention on the Elimination of All Forms of Racial Discrimination[9] and the Convention against Discrimination in Education, adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,[10]

"Recalling also the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and in 1983,

"Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action[11] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

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[8] Resolution 217 A (III).

[9] Resolution 2106 A (XX), annex.

[10] United Nations, Treaty Series, vol. 429, No. 6193.

[11] A/CONF.157/24 (Part I), chap. III.

"Stressing the importance and sensitivity of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

"Recalling its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994, by which it proclaimed the Third Decade to Combat Racism and Racial Discrimination and adopted the revised Programme of Action for the Third Decade,

"Noting with grave concern, that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

"Noting with great concern, that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

"Noting with concern that technological developments in the field of communication, including computer networks such as the Internet, have been used for the dissemination of racist and xenophobic propaganda throughout the world,

"Having considered the report submitted by the Secretary-General[12] within the framework of the implementation of the Programme of Action for the Third Decade,

"Firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

"Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony,

"Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

"Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,[13]

"Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

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[12] A/52/528.

[13] Resolution 45/158, annex.

I

"Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

"1. Declares once again that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from official doctrines of racial superiority or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

"2. Recalls with satisfaction the proclamation of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and requests the Secretary-General to make a further review of the Programme of Action with a view to making it more effective and action-oriented;

"3. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by adapting constantly the means provided to combat them, especially in the legislative, administrative, educational and information fields;

"4. Requests the United Nations High Commissioner for Human Rights to give the highest priority, through her Office and the Centre for Human Rights of the Secretariat, to the follow-up of programmes and activities for combating racism and racial discrimination;

"5. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

"6. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

"7. Commends all States that have ratified or acceded to the international instruments to combat racism and racial discrimination;

"8. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

"9. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the fields of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

"10. Regrets the lack of interest, support and financial resources for the Third Decade and its related Programme of Action, reflected in the fact that very few of the activities planned for the period 1994-1997 were carried out;

"11. Regrets also that the contributions made by the international community to the Trust Fund for the Programme for the Decade remain below the level required and requests the Secretary-General to include in his report to the fifty-third session of the General Assembly concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action, including, inter alia, through the United Nations regular budget;

"12. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the outcome of the two seminars held on the implementation of the Programme of Action concerning migration, racism and racial discrimination and the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

"13. Recommends that activities being organized to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights include programmes specifically targeted at combating racism and racial discrimination;

"14. Requests the United Nations High Commissioner for Human Rights to take duly into account, within the framework of the ongoing restructuring process of the Centre for Human Rights, the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Centre for Human Rights for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

"15. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

"16. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

"17. Requests States to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

"18. Strongly underlines the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating an awareness of principles of human rights, particularly among young people, and in this regard renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

"19. Considers that all parts of the Programme of Action for the Third Decade should be given equal attention in order to attain the objectives of the Decade;

"20. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1996-1997;

"21. Also requests the Secretary-General to accord the highest priority to the activities of the Programme of Action for the Third Decade;

"22. Further requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, containing an analysis of information received on such activities to combat racism and racial discrimination;

"23. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action for the Third Decade;

"24. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, and interested non-governmental organizations in consultative status with the Economic and Social Council to participate fully in the Third Decade;

"25. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

II

"World conference against racism and racial discrimination, xenophobia and related intolerance

"1. Decides to convene a world conference on racism and racial discrimination, xenophobia and related intolerance, whose main objectives will be:

"(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

"(b) To consider ways and means better to ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

"(c) To increase the level of awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance;

"(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

"(e) To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance;

"(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

"(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance;

"2. Decides also:

"(a) That the world conference on racism and racial discrimination, xenophobia and related intolerance will be convened not later than the year 2001;

"(b) That, when deciding on the agenda of the world conference, to take into consideration, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

"(c) That the world conference will be action-oriented and focus on practical measures to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

"(d) That the Commission on Human Rights will act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice;

"3. Requests Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to assist the preparatory committee, to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee

through the Secretary-General, and to participate actively in the conference;

"4. Stresses the importance of taking systematically into account a gender perspective throughout the preparations for and the outcome of the conference;

"5. Calls upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference and requests regional preparatory meetings to submit reports to the preparatory committee through the Secretary-General on the outcome of their deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

"6. Decides further that the world conference on racism and racial discrimination, xenophobia and related intolerance will be conducted effectively and efficiently and that its size, duration and other cost factors should be determined with due regard for economy;

"7. Decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of the highest priority at its fifty-third session."

16. At the 49th meeting, on 26 November, the Committee had before it a revised draft resolution (A/C.3/52/L.38/Rev.1), submitted by the same sponsors.

17. At the same meeting, the representative of the United Republic of Tanzania orally revised the draft resolution as follows:

(a) The tenth preambular paragraph, which read:

"Noting with concern that technological developments in the field of communications, including computer networks such as the Internet, have been used for the dissemination of racist and xenophobic propaganda throughout the world",

was replaced by the following text:

"Noting with concern that the dissemination of racist and xenophobic propaganda is also being channelled through new communication technologies, including such computer networks as the Internet";

(b) A new operative paragraph was inserted after paragraph 8, reading:

"9. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity, which it considers an issue of particular gravity;"

and the subsequent paragraphs were renumbered accordingly;

(c) In operative paragraph 14, the word "specifically" was deleted.

18. A statement of the programme budget implications of draft resolution A/C.3/52/L.38, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly, was contained in document A/C.3/52/L.74.

19. Also at the 49th meeting, a statement in explanation of position was made by the representative of the United States of America.

20. At the same meeting, the Committee adopted draft resolution A/C.3/52/L.38/Rev.1, as orally revised, without a vote (see para. 22, draft resolution III).

21. After the adoption of the draft resolution, statements were made by the representatives of Cuba and Canada.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

22. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Recalling its resolution 51/79 of 12 December 1996 and Commission on Human Rights resolutions 1997/73 and 1997/74 of 18 April 1997,[14]

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in particular the attention given in the Vienna Declaration and Programme of Action[15] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Aware that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[16] including its conclusions and recommendations,

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[14] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

[15] A/CONF.157/24 (Part I), chap. III.

[16] A/52/471.

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, continue to persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Deeply concerned also that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Noting that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible in segments of many societies and are perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993[17] on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights[18] and in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination,[19]

Conscious that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence of such crimes,

Emphasizing the importance of creating conditions that foster greater harmony and tolerance within societies,

1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;[16]

2. Requests the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and

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[17] See Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18), chap. VIII, sect. B.

[18] Resolution 217 A (III).

[19] Resolution 2106 A (XX), annex.

specialized agencies in order to further their effectiveness and mutual cooperation;

3. Welcomes the recommendation of the Special Rapporteur to convene, without further delay, a world conference on racism, racial discrimination, xenophobia and related intolerance;

4. Affirms that acts of racist violence against others stemming from racism do not comprise expressions of opinion but rather offences;

5. Expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination, in particular all racist violence, and related acts of random and indiscriminate violence;

6. Also expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons, that attempt to justify or promote racism and racial discrimination in any form;

7. Expresses its profound concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families, persons belonging to minorities, and members of vulnerable groups in many societies;

8. Encourages all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of, and tolerance and respect for, foreign cultures, peoples and countries;

9. Recognizes that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in various parts of the world requires a more integrated and effective approach on the part of the relevant mechanisms of United Nations human rights machinery;

10. Encourages Governments to take appropriate measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

11. Categorically deplores the misuse of print, audio-visual and electronic media and new communication technologies including the Internet, to incite violence motivated by racial hatred;

12. Recognizes that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance;

13. Calls upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to supply relevant information to the Special Rapporteur to enable him to fulfil his mandates;

14. Commends non-governmental organizations for the action that they have taken against racism and racial discrimination, and for the continuous support

and assistance that they have provided to the victims of racism and racial discrimination;

15. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

16. Requests the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-third session.

DRAFT RESOLUTION II

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,[20] most recently resolution 51/80 of 12 December 1996,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[21] in particular section II.B of the Declaration relating to equality, dignity and tolerance,

Reiterating the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations, and mindful of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent, or national or ethnic origin,

Calling upon States which have not yet become parties to the Convention to ratify it or accede thereto,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of

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[20] Resolution 2106 A (XX), annex.

[21] A/CONF.157/24 (Part I), chap. III.

Racial Discrimination,[22] to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee on the Elimination of Racial Discrimination from the regular budget of the United Nations, and registering its concern that that amendment to the Convention has not yet entered into force,

Reiterating the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Recalling the provisions of paragraph 4 of article 10 of the Convention regarding the location of the meetings of the Committee,

I

Report of the Committee on the Elimination of Racial Discrimination

1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on its fiftieth and fifty-first sessions;[23]

2. Commends the Committee for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[20] especially the examination of reports under article 9 and action on communications under article 14 of the Convention;

3. Calls upon States parties to fulfil their obligations under article 9, paragraph 1, of the Convention to submit in due time their periodic reports on measures taken to implement the Convention;

4. Commends the Committee on its efforts to contribute to the effective implementation of international instruments on human rights, inter alia, by continuing to improve its working methods, which include the process of reviewing the implementation of the Convention in States whose reports are seriously overdue, and in that regard invites the Secretary-General to seek further ways to assist those States in fulfilling their reporting obligations;

5. Commends the Committee for its continuing contribution to the prevention of racial discrimination, including early warning measures and urgent procedures, and welcomes its relevant action thereon;

6. Encourages the Committee to continue to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its revised Programme of Action,[24] including by continuing to collaborate with the Subcommission on Prevention of Discrimination and Protection of

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[22] See CERD/SP/45, annex.

[23] A/52/18.

[24] Resolution 49/146, annex.

Minorities of the Commission on Human Rights, as well as by cooperating with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

7. Welcomes and encourages the cooperation and exchange of information between the Committee on the Elimination of Racial Discrimination and relevant structures and mechanisms of the United Nations, including the Office of the United Nations High Commissioner for Human Rights, as well as with the General Assembly and the States parties to the Convention;

II

Financial situation of the Committee on the Elimination of Racial Discrimination

8. Takes note of the report of the Secretary-General on the financial status of the Committee on the Elimination of Racial Discrimination,[25]

9. Expresses its profound concern at the fact that a number of States parties to the Convention have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

10. Strongly urges States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee, and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the Convention on 15 January 1992,[22] endorsed by the General Assembly in its resolution 47/111 of 16 December 1992 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

11. Requests the Secretary-General to continue to ensure adequate financial arrangements and appropriate means, and to provide necessary support to ensure the functioning of the Committee and enable it to cope with its increasing amount of work;

12. Requests the Secretary-General to invite those States parties that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its fifty-third session;

13. Decides to consider at its fifty-third session, under the item entitled "Elimination of racism and racial discrimination", the report of the Secretary-General on the financial situation of the Committee and the report of the Committee.

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[25] A/52/463.

DRAFT RESOLUTION III

Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference on racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Reaffirming its objectives as set forth in the Charter of the United Nations of achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism, in all its forms, and racial discrimination,

Recalling the Universal Declaration of Human Rights,[26] the International Convention on the Elimination of All Forms of Racial Discrimination[27] and the Convention against Discrimination in Education, adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,[28]

Recalling also the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and in 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action[29] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Stressing the importance and sensitivity of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994, by which, respectively, it proclaimed the Third Decade to Combat Racism and Racial Discrimination and adopted the revised Programme of Action for the Third Decade,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two previous Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions

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[26] Resolution 217 A (III).

[27] Resolution 2106 A (XX), annex.

[28] United Nations, Treaty Series, vol. 429, No. 6193.

[29] A/CONF.157/24 (Part I), chap. III.

of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

Noting with great concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Noting with concern that the dissemination of racist and xenophobic propaganda is also being channelled through new communication technologies, including such computer networks as the Internet,

Having considered the report submitted by the Secretary-General[30] within the framework of the implementation of the Programme of Action for the Third Decade,

Firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[31]

Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

I

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

1. Declares once again that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from official doctrines of racial superiority or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

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[30] A/52/528.

[31] Resolution 45/158, annex.

2. Recalls with satisfaction the proclamation of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and requests the Secretary-General to make a further review of the Programme of Action for the Third Decade with a view to making it more effective and action-oriented;

3. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by adapting constantly the means provided to combat them, especially in the legislative, administrative, educational and information fields;

4. Requests the United Nations High Commissioner for Human Rights to give a high priority to the follow-up of programmes and activities for combating racism and racial discrimination;

5. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

6. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

7. Commends all States that have ratified or acceded to the international instruments to combat racism and racial discrimination;

8. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

9. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity which it considers an issue of particular gravity;

10. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, and those of migrant workers, in the fields of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

11. Regrets the lack of interest, support and financial resources for the Third Decade and its related Programme of Action, reflected in the fact that very few of the activities planned for the period 1994-1997 were carried out;

12. Also regrets that the contributions made by the international community to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination remain below the level required and requests the Secretary-General to include in his report to the General Assembly at its fifty-third session concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action, including, inter alia, through the United Nations regular budget and extrabudgetary sources;

13. Welcomes the convening, in Geneva from 10 to 14 November 1997, of a seminar on the role of the Internet with regard to the provisions of the

International Convention on the Elimination of All Forms of Racial Discrimination;

14. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the outcome of the two seminars held on the implementation of the Programme of Action for the Third Decade concerning migration, racism and racial discrimination and the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

15. Recommends that the activities being organized to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights include programmes targeted at combating racism and racial discrimination;

16. Requests the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism for coordinating all the activities of the Third Decade;

17. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme of Action for the Third Decade;

18. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

19. Requests States and international organizations to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

20. Strongly underlines the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating an awareness of principles of human rights, particularly among young people, and in this regard renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

21. Considers that all parts of the Programme of Action for the Third Decade should be given equal attention in order to attain the objectives of the Decade;

22. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1998-1999;

23. Also requests the Secretary-General to accord a high priority to the activities of the Programme of Action for the Third Decade;

24. Further requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, containing an analysis of information received on such activities to combat racism and racial discrimination;

25. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action for the Third Decade;

26. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, regional organizations and interested non-governmental organizations to participate fully in the Third Decade;

27. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

II

World conference against racism and racial discrimination, xenophobia and related intolerance

28. Decides to convene a world conference on racism and racial discrimination, xenophobia and related intolerance, whose main objectives will be:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

(b) To consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(c) To increase the level of awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance;

(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(e) To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance;

(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance;

29. Also decides:

(a) That the world conference on racism and racial discrimination, xenophobia and related intolerance will be convened not later than the year 2001;

(b) That, when the agenda of the world conference is decided, there will be a taking into consideration of, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

(c) That the world conference will be action-oriented and focus on practical measures to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

(d) That the Commission on Human Rights will act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice;

30. Requests Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other human rights mechanisms to assist the preparatory committee, to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary-General, and to participate actively in the conference;

31. Stresses the importance of taking systematically into account a gender perspective throughout the preparations for and the outcome of the conference;

32. Calls upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference and requests the regional preparatory meetings to submit reports to the preparatory committee through the Secretary-General on the outcome of their

deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

33. Decides that the world conference on racism and racial discrimination, xenophobia and related intolerance will be conducted effectively and efficiently and that its size, duration and other cost factors should be determined with due regard for economy;

34. Also decides to keep the item entitled "Elimination of racism and racial discrimination" in its agenda and to consider it as a matter of high priority at its fifty-third session.

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Agenda item 111

RIGHT OF PEOPLES TO SELF-DETERMINATION

Report of the Third Committee

Rapporteur: Ms. Mónica MARTÍNEZ (Ecuador)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee considered the item jointly with item 110 at its 27th to 29th meetings, on 6 and 7 November 1997, and took action at its 35th, 37th and 43rd meetings, on 13, 14 and 19 November 1997. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/52/SR.27-29, 35, 37 and 43).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the right of peoples to self-determination (A/52/485);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/52/495);

(c) Letter dated 7 May 1997 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Secretary-General, transmitting the results of the 97th Conference of the Inter-Parliamentary Union, held at Seoul from 10 to 15 April 1997 (A/52/139);

(d) Letter dated 15 August 1997 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General, transmitting the text of a memorandum on the Jammu and Kashmir dispute, adopted by the Special Committee of the National Assembly of Pakistan on Kashmir (A/52/286-S/1997/647);

(e) Letter dated 23 September 1997 from the Permanent Representative of the Marshall Islands to the United Nations addressed to the Secretary-General, transmitting the communiqué of the twenty-eighth South Pacific Forum, held at Rarotonga, Cook Islands, from 17 to 19 September 1997 (A/52/413);

(f) Letter dated 1 October 1997 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General, transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries held in New York on 25 September 1997 (A/52/447-S/1997/775).

4. At the 27th meeting, on 6 November, the Committee heard statements by the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, the Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Director of the New York Office of the United Nations High Commissioner for Human Rights (see A/C.3/52/SR.27).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/52/L.33

5. At the 35th meeting, on 13 November, the representative of Nigeria, on behalf of Algeria, Cuba, Kenya, Liberia, Nigeria and Togo, introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/52/L.33).

6. In introducing the draft resolution, the representative of Nigeria orally revised it by replacing the words "to make proposals on a clearer legal definition of mercenaries" in operative paragraph 6 by the words "to invite Governments to make proposals towards a clearer definition of mercenaries".

7. At the 37th meeting, on 14 November, the representative of Nigeria further orally revised the draft resolution, as follows:

(a) In operative paragraph 6, the words "to invite Governments to make proposals towards a clearer definition of mercenaries and" were deleted;

(b) After operative paragraph 6, a new operative paragraph was inserted, reading:

"7. Further requests the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries;"

and the remaining paragraphs were renumbered accordingly.

8. At the same meeting, Egypt, Ethiopia, Guinea, India, Iraq, Mali, the Niger, the Sudan and Uganda joined in sponsoring the draft resolution as further orally revised.

9. Also at the same meeting, the representative of New Zealand made a statement (see A/C.3/52/SR.37).

10. At the 37th meeting, the Committee adopted draft resolution A/C.3/52/L.33, as further orally revised, by a recorded vote of 91 to 16, with 41 abstentions (see para. 22, draft resolution I). The voting was as follows:[1]

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Burkina Faso, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Israel, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Austria, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Japan, Luxembourg, Netherlands, Norway, Sweden, the former Yugoslavia Republic of Macedonia,[2] United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Bahamas, Belarus, Bulgaria, Congo, Croatia, Cyprus, Czech Republic, Estonia, France, Georgia, Greece, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Myanmar,

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[1] The delegation of Iraq subsequently indicated that, had it been present during the voting, it would have voted in favour.

[2] The delegation of the former Yugoslav Republic of Macedonia subsequently indicated that its vote should have been recorded as an abstention and not as being against.

Nepal, New Zealand, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Turkey, Turkmenistan, Ukraine.

11. After the adoption of the draft resolution, statements were made by the representatives of Australia and Cuba (see A/C.3/52/SR.37).

B. Draft resolution A/C.3/52/L.34

12. At the 35th meeting, on 13 November, the representative of Pakistan, on behalf of Albania, Azerbaijan, Bahrain, Bosnia and Herzegovina, Brunei Darussalam, Chile, Costa Rica, Djibouti, Egypt, El Salvador, Iran (Islamic Republic of), Jordan, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Papua New Guinea, Qatar, Saudi Arabia, Singapore, Thailand, Togo and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/52/L.34).

13. At the 37th meeting, on 14 November, Iraq, Mali and the Congo joined in sponsoring the draft resolution.

14. Also at the 37th meeting, the Committee adopted draft resolution A/C.3/52/L.34 without a vote (see para. 22, draft resolution II).

15. After the adoption of the draft resolution, a statement was made by the representative of Pakistan (see A/C.3/52/SR.37).

C. Draft resolution A/C.3/52/L.41

16. At the 35th meeting, on 13 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Andorra, Austria, Bahrain, Bangladesh, Belgium, Brazil, Brunei Darussalam, Chile, Colombia, Costa Rica, Cuba, Cyprus, Denmark, Djibouti, Egypt, Finland, France, Germany, Greece, Guinea, Guyana, Indonesia, Ireland, Italy, Japan, Jordan, Kuwait, the Lao People's Democratic Republic, Lesotho, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Mauritania, Monaco, Morocco, Mozambique, Namibia, the Netherlands, the Niger, Nigeria, Oman, Pakistan, Portugal, Qatar, San Marino, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, the Sudan, Sweden, Tunisia, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Viet Nam and Yemen, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/52/L.41).

17. At the 43rd meeting, on 19 November, Angola and Guinea-Bissau joined in sponsoring the draft resolution.

18. At the same meeting, statements were made by the representatives of the United States of America and Israel (see A/C.3/52/SR.43).

19. Also at the same meeting, the Committee adopted draft resolution A/C.3/52/L.41 by a recorded vote of 141 to 2, with 7 abstentions (see para. 22, draft resolution III). The voting was as follows:[3]

In favour: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States of America.

Abstaining: El Salvador, Fiji, Georgia, Marshall Islands, Micronesia (Federated States of), Norway, Uruguay.

20. After the draft resolution was adopted, statements were made by the representatives of the Syrian Arab Republic, Lebanon, the Islamic Republic of Iran and Norway (see A/C.3/52/SR.43).

21. A statement was also made by the Observer for Palestine (see A/C.3/52/SR.43).

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[3] The delegations of Albania and Austria subsequently indicated that, had they been present during the voting, they would have voted in favour.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

22. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination

The General Assembly,

Recalling its resolutions 49/150 of 23 December 1994, 50/138 of 21 December 1995 and 51/83 of 12 December 1996,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, the non-use of force or threat of use of force in international relations and self-determination of peoples,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States, where democratically elected Governments have been overthrown by mercenaries or through mercenary international criminal activities,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the polity and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[4] adopted by the General Assembly in 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

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[4] Resolution 44/34, annex.

Further convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination[5] concerning the use of mercenaries and mercenary-related activities to topple sovereign Governments and to violate the human rights of peoples and impede the exercise of self-determination despite its resolution 51/83;

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take appropriate legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government or threaten the territorial integrity and political unity of sovereign States or to promote secession or fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

4. Calls upon all States that have not yet done so to consider taking the necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Urges all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

6. Requests the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

7. Further requests the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries;

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[5] A/52/495, annex.

8. Requests the Special Rapporteur to report, with specific recommendations, his findings on the use of mercenaries to undermine the right of peoples to self-determination to the General Assembly at its fifty-third session;

9. Decides to consider at its fifty-third session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the agenda item entitled "Rights of peoples to self-determination".

DRAFT RESOLUTION II

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[6] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on

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[6] Resolution 2200 A (XXI), annex.

Human Rights at its thirty-sixth,[7] thirty-seventh,[8] thirty-eighth,[9] thirty-ninth,[10] fortieth,[11] forty-first,[12] forty-second,[13] forty-third,[14] forty-fourth,[15] forty-fifth,[16] forty-sixth,[17] forty-seventh,[18] forty-eighth,[19] forty-ninth,[20] fiftieth,[21] fifty-first,[22] fifty-second[23] and fifty-third[24] sessions,

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[7] See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

[8] Ibid., 1981, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

[9] Ibid., 1982, Supplement No. 2 and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

[10] Ibid., 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

[11] Ibid., 1984, Supplement No. 4 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

[12] Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

[13] Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

[14] Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

[15] Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

[16] Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

[17] Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

[18] Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

[19] Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

[20] Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

[21] Ibid., 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

[22] Ibid., 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

[23] Ibid., 1996, Supplement No. 3 (E/1996/23), chap. II, sect. A.

[24] Ibid., 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990, 46/88 of 16 December 1991, 47/83 of 16 December 1992, 48/93 of 20 December 1993, 49/148 of 23 December 1994, 50/139 of 21 December 1995 and 51/84 of 12 December 1996,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[25]

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this question to the General Assembly at its fifty-third session under the item entitled "Right of peoples to self-determination".

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[25] A/52/485.

DRAFT RESOLUTION III

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in its Charter,

Recalling the International Covenants on Human Rights,[26] the Universal Declaration of Human Rights,[27] the Declaration on the Granting of Independence to Colonial Countries and Peoples[28] and the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993,[29]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[30]

Expressing deep concern over the deterioration of the Middle East peace process, including the lack of implementation of the agreements signed between the Palestine Liberation Organization and the Government of Israel,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. Reaffirms the right of the Palestinian people to self-determination;

2. Expresses the hope that the Palestinian people will soon be exercising their right to self-determination in the current peace process;

3. Urges all States, and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

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[26] Resolution 2200 A (XXI), annex.

[27] Resolution 217 A (III).

[28] Resolution 1514 (XV).

[29] A/CONF.157/24 (Part I), chap. III.

[30] Resolution 50/6.

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A

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Fifty-second session
Agenda item 112

HUMAN RIGHTS QUESTIONS

Report of the Third Committee (Part I)*

Rapporteur: Mrs. Mónica MARTÍNEZ (Ecuador)

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled:

"Human rights questions:

"(a) Implementation of human rights instruments;

"(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

"(c) Human rights situations and reports of special rapporteurs and representatives;

"(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;

"(e) Report of the United Nations High Commissioner for Human Rights"

and to allocate it to the Third Committee.

2. For its consideration of the item, the Committee had before it the following documents:

* The report of the Committee on agenda item 112 will be issued in six parts, under the symbol A/52/644 and Add.1-5.

(a) Relevant chapters of the report of the Economic and Social Council (A/52/3);[1]

(b) Letter dated 14 April 1997 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/52/116-S/1997/317);

(c) Letter dated 5 June 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/52/173);

(d) Note verbale dated 17 July 1997 from the Permanent Mission of Albania to the United Nations addressed to the Secretary-General (A/52/254-S/1997/567);

(e) Letter dated 28 July 1997 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/52/262);

(f) Letter dated 15 August 1997 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/52/286-S/1997/647);

(g) Letter dated 25 August 1997 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General (A/52/301-S/1997/668);

(h) Letter dated 28 August 1997 from the Permanent Representative of Paraguay to the United Nations addressed to the Secretary-General transmitting the declarations of the Eleventh Summit of Heads of State and Government of the Rio Group, held at Asunción on 23 and 24 August 1997 (A/52/347);

(i) Letter dated 1 October 1997 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General, transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the Fifty-second Session of the General Assembly, held in New York on 25 September 1997 (A/52/447-S/1997/775);

(j) Letter dated 2 October 1997 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General, transmitting the Medillín Declaration for Cultural Diversity and Tolerance and the Plan of Action on Cultural Cooperation adopted at the First Meeting of Ministers of Culture of the Movement of Non-Aligned Countries, held at Medillín, Colombia, on 4 and 5 September 1997 (A/52/432);

(k) Letter dated 6 October 1997 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General (A/52/437);

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[1] To be issued as Official Records of the General Assembly, Fifty-second Session, Supplement No. 3 (A/52/3/Rev.1).

(l) Letter dated 11 November 1997 from the Permanent Representatives of China and the United States of America to the United Nations addressed to the Secretary-General (A/52/589-S/1997/871);

(m) Letter dated 19 November 1997 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General, transmitting the joint statement issued by the Heads of State and Government of countries of South-Eastern Europe at their meeting held at Heracleion, Crete, on 4 November 1997 (A/52/691-S/1997/910);

(n) Letter dated 19 November 1997 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/C.3/52/9).

3. The Committee also had before it the following documents under sub-item 112 (a):

(a) Report of the Human Rights Committee;[2]

(b) Report of the Committee against Torture;[3]

(c) Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/52/359);

(d) Report of the Secretary-General on the status of the United Nations Voluntary Fund for Victims of Torture (A/52/387);

(e) Report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/52/445);

(f) Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/52/446);

(g) Note by the Secretary-General transmitting the report of the eighth meeting of persons chairing human rights treaty bodies (A/52/507);

(h) Note by the Secretary-General on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights and study of special problems which the developing countries face in their efforts to achieve these human rights (A/52/511);

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[2] Official Records of the General Assembly, Fifty-second Session, Supplement No. 40 (A/52/40), vol. I.

[3] Ibid., Supplement No. 44 (A/52/44).

(i) Letter dated 12 June 1997 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/52/182).

4. The Committee also had before it the following documents under sub-item 112 (b):

(a) Report of the Secretary-General on national institutions for the promotion and protection of human rights (A/52/468);

(b) Report of the Secretary-General on the United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights (A/52/469 and Add.1);

(c) Report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections (A/52/474);

(d) Report of the Secretary-General on the strengthening of the rule of law (A/52/475);

(e) Report of the Secretary-General on the situation of human rights in Cambodia (A/52/489);

(f) Report of the Secretary-General on human rights and mass exoduses (A/52/494);

(g) Report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/52/498);

(h) Report of the Secretary-General on the situation of United Nations personnel and their families (A/52/548 and Corr.1);

(i) Note by the Secretary-General on the right to development (A/52/473);

(j) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance (A/52/477 and Add.1);

(k) Note by the Secretary-General on human rights and terrorism (A/52/483);

(l) Note by the Secretary-General on human rights and unilateral coercive measures (A/52/567);

(m) Letter dated 30 January 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, transmitting a statement on elections in the Gambia by the European Union (A/52/66);

(n) Letter dated 24 February 1997 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (A/52/81-S/1997/153);

(o) Letter dated 3 March 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Armenia to the United Nations addressed to the Secretary-General (A/52/85-S/1997/180);

(p) Letter dated 18 April 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, transmitting a statement on Cameroon by the European Union (A/52/117);

(q) Letter dated 23 April 1997 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General (A/52/125-S/1997/334);

(r) Letter dated 2 May 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, transmitting a statement on elections in Croatia by the European Union (A/52/133-S/1997/348);

(s) Letter dated 2 May 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, transmitting a statement by the European Union on the occasion of the granting of autonomous trade preferences to the Federal Republic of Yugoslavia (A/52/134-S/1997/349);

(t) Letter dated 2 May 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, transmitting a statement on Belarus by the European Union (A/52/135);

(u) Letter dated 15 May 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, transmitting a statement on Cameroon by the European Union (A/52/151);

(v) Letter dated 12 June 1997 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/52/182);

(w) Letter dated 19 June 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, transmitting a statement by the European Union on the trial of 20 ethnic Albanians in Kosovo (A/52/204);

(x) Letter dated 19 June 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, transmitting a statement by the European Union on the murder of two members of the Centro de Investigación y Educación Popular (Colombia) (A/52/205);

(y) Letter dated 11 November 1997 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General (A/C.3/52/6).

5. The Committee also had before it the following documents under sub-item 112 (c):

(a) Report of the Secretary-General on rape and abuse of women in the areas of armed conflict in the former Yugoslavia (A/52/497);

(b) Report of the Secretary-General on the situation of human rights in Kosovo (A/52/502);

(c) Report of the Secretary-General on the situation of human rights in Haiti (A/52/515);

(d) Report of the Secretary-General on the situation of human rights in Myanmar (A/52/587);

(e) Note by the Secretary-General transmitting the report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (A/52/472);

(f) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq (A/52/476);

(g) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Cuba (A/52/479);

(h) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar (A/52/484);

(i) Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda (A/52/486 and Add.1/Rev.1);

(j) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (A/52/490);

(k) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan (A/52/493);

(l) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Zaire (now the Democratic Republic of the Congo) (A/52/496);

(m) Note by the Secretary-General transmitting the report of the independent expert on the situation of human rights in Haiti (A/52/499);

(n) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi (A/52/505);

(o) Note by the Secretary-General transmitting the report of his representative on internally displaced persons (A/52/506);

(p) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan (A/52/510);

(q) Note by the Secretary-General transmitting the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda (A/52/522);

(r) Note by the Secretary-General on the human rights situation in southern Lebanon and West Bekaa (A/52/527);

(s) Note by the Secretary-General on the situation of human rights in Nigeria (A/52/583);

(t) Letter dated 15 January 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, transmitting a statement on the Federal Republic of Yugoslavia by the European Union (A/52/61-S/1997/68);

(u) Letter dated 27 January 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General (A/52/64);

(v) Letter dated 23 April 1997 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General (A/52/125-S/1997/334);

(w) Letter dated 2 June 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, transmitting a statement on Myanmar by the European Union (A/52/170);

(x) Letter dated 7 October 1997 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General (A/C.3/52/2);

(y) Letter dated 13 October 1997 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/C.3/52/4);

(z) Letter dated 11 November 1997 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General (A/C.3/52/5);

(aa) Letter dated 14 November 1997 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/C.3/52/7);

(bb) Letter dated 20 November 1997 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General (A/C.3/52/10).

6. The Committee also had before it the following documents under sub-items 112 (d) and (e):

(a) Report of the United Nations High Commissioner for Human Rights;[4]

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[4] Ibid., Supplement No. 36 (A/52/36).

(b) Letter dated 12 June 1997 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/52/182).

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Fifty-second session
Agenda item 112 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Report of the Third Committee (Part II)*

Rapporteur: Mrs. Mónica MARTÍNEZ (Ecuador)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Human rights questions: implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 30th, 31st, 35th, 37th, 39th, 43rd to 45th, 47th and 48th meetings, on 7, 10, 13, 14, 17, 19 to 21, 25 and 26 November 1997. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/52/SR.30, 31, 35, 37, 39, 43-45, 47 and 48).

3. For the documents before the Committee under this item, see A/52/644.

4. At the 36th meeting, on 14 November, the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/52/SR.36).

* The report of the Committee on agenda item 112 will be issued in six parts, under the symbol A/52/644 and Add.1-5.

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II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/52/L.35

5. At the 35th meeting, on 13 November, the representative of Mexico, on behalf of Argentina, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Guyana, Mexico, Morocco, Nicaragua, Nigeria, Paraguay, Peru, the Philippines, Sri Lanka, Tunisia, Turkey, Uruguay and Yemen, introduced a draft resolution entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (A/C.3/52/L.35). Subsequently, the Dominican Republic joined in sponsoring the draft resolution.

6. At its 37th meeting, on 14 November, the Committee adopted draft resolution A/C.3/52/L.35 without a vote (see para. 23, draft resolution I).

B. Draft resolution A/C.3/52/L.37

7. At the 35th meeting, on 13 November, the representative of Norway, on behalf of Australia, Canada, Costa Rica, the Czech Republic, Denmark, Finland, France, Hungary, Iceland, Ireland, Italy, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Portugal, Romania, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia and Venezuela, introduced a draft resolution entitled "International Covenants on Human Rights" (A/C.3/52/L.37). Subsequently, Austria, Belarus, El Salvador, Greece, Israel, Lithuania, Malta, Poland, San Marino and Spain joined in sponsoring the draft resolution.

8. In introducing the draft resolution, the representative of Norway orally revised it as follows:

(a) In operative paragraph 6, the words "the gender perspective" were replaced by the words "a gender perspective" and the words "of States parties" were inserted after the words "including the national reports";

(b) In operative paragraph 9, the phrase "and takes note of general comments Nos. 25 and 26 adopted by the Committee" was added at the end of the paragraph;

(c) In operative paragraph 10, the phrase "and takes note of general comments Nos. 6 and 7 adopted by the Committee" was added at the end of the paragraph.

9. At its 37th meeting, on 14 November, the Committee adopted draft resolution A/C.3/52/L.37, as orally revised, without a vote (see para. 23, draft resolution II).

C. Draft resolution A/C.3/52/L.49

10. At the 44th meeting, on 20 November, the representative of Poland, on behalf of Argentina, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil,

Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, the Czech Republic, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Israel, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, Mongolia, Nicaragua, Norway, Panama, Poland, Portugal, the Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uzbekistan and Venezuela, introduced a draft resolution entitled "Fiftieth anniversary of the Universal Declaration of Human Rights" (A/C.3/52/L.49). Subsequently, Albania, Armenia, Australia, Azerbaijan, Bangladesh, Barbados, Benin, Cameroon, the Central African Republic, Denmark, El Salvador, Ethiopia, Guinea-Bissau, Iceland, India, Ireland, Japan, Kenya, Mali, Morocco, Mozambique, the Netherlands, New Zealand, Pakistan, Paraguay, the Philippines, the Republic of Korea, the Russian Federation, Solomon Islands, Turkey and Turkmenistan joined in sponsoring the draft resolution.

11. At the same meeting, a statement was made by the representative of the Dominican Republic (see A/C.3/52/SR.44).

12. At its 45th meeting, on 21 November, the Committee adopted draft resolution A/C.3/52/L.49 without a vote (see para. 23, draft resolution III).

13. Before the adoption of the draft resolution, a statement was made by the representative of the Dominican Republic; after the adoption of the draft resolution, a statement was made by the representative of the United States of America (see A/C.3/52/SR.45).

D. Draft resolution A/C.3/52/L.36 and Rev.1

14. At the 39th meeting, on 17 November, the representative of Canada, on behalf of Argentina, Australia, Austria, Bulgaria, Cameroon, Canada, Costa Rica, the Czech Republic, Denmark, Finland, Georgia, Germany, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Portugal, the Republic of Korea, Romania, San Marino, Slovakia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" (A/C.3/52/L.36), which read:

> "The General Assembly,
>
> "Recalling its resolution 51/87 of 12 December 1996, as well as other relevant resolutions, and decision 1997/105 of 3 April 1997 of the Commission on Human Rights,[1]

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[1] Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

"Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[2]

"Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[3] to promote universal respect for and observance of human rights and fundamental freedoms,

"Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

"Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

"Reaffirming its responsibility to ensure the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

"(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

"(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

"(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

"(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

"Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[4]

"1. Welcomes with appreciation the report of the persons chairing the human rights treaty bodies on their eighth meeting, held at Geneva from

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[2] A/CONF.157/24 (Part I), chap. III.

[3] Resolution 217 A (III).

[4] A/52/445.

15 to 19 September 1997,[5] and takes note of their conclusions and recommendations;

"2. Also welcomes the submission of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system;[6]

"3. Encourages ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

"4. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

"(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

"(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

"5. Recalls that the work of each human rights treaty body should complement the work of the other human rights treaty bodies and, in this regard, emphasizes that universal adherence to the core international human rights treaties adopted within the framework of the United Nations system is important for the full realization of that complementarity;

"6. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

"7. Also welcomes, in particular, the efforts of the persons chairing the treaty bodies at their eighth meeting to develop appropriate reforms of the reporting system, with a view to, inter alia, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages persons chairing the treaty bodies to continue their efforts in this regard;

"8. Looks forward to the completion of the Secretary-General's detailed analytical study comparing the provisions of the International

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[5] A/52/507, annex.

[6] E/CN.4/1997/74, annex.

Covenant on Economic, Social and Cultural Rights,[7] the International Covenant on Civil and Political Rights,[7] the International Convention on the Elimination of All Forms of Racial Discrimination,[8] the Convention on the Elimination of All Forms of Discrimination against Women,[9] the Convention on the Rights of the Child[10] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[11] which is being prepared with a view to identifying duplication of reporting required under these instruments;

"9. Welcomes the publication of the revised Manual on Human Rights Reporting;

"10. Requests the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by State parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

"11. Reiterates its concern with the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

"12. Also reiterates its concern with the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

"13. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

"14. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

"15. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of

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[7] See resolution 2200 A (XXI), annex.

[8] Resolution 2106 A (XX), annex.

[9] Resolution 34/180, annex.

[10] Resolution 44/25, annex.

[11] Resolution 39/46, annex.

the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

"16. Recalls the recommendation by the meeting of persons chairing the human rights bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies;

"17. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies, other United Nations bodies and the special rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, and encourages the specialized agencies, other United Nations bodies, the special rapporteurs, representatives, experts and working groups, as well as the treaty bodies, to further develop their cooperation;

"18. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

"19. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

"20. Requests the Secretary-General to include in his report, pursuant to the present resolution, a detailed explanation of the basis for the payment of honoraria to the members of the human rights treaty bodies and, in particular, to explain why the members of the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture do not receive an honorarium whereas the members of the Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women do;

"21. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

"22. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the request by the eighth meeting of the persons chairing the human rights treaty bodies that the Division for the Advancement of Women prepare a study, for use by the United Nations High Commissioner for Human Rights and the treaty bodies, analysing what

each treaty body has done to incorporate gender perspectives into its work and making practical suggestions about what each could do to further incorporate gender perspectives;[12]

"23. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

"24. Welcomes the request of the persons chairing the human rights treaty bodies[13] that they hold an extraordinary three-day meeting early in 1998 to pursue the reform process aimed at improving the effective implementation of international instruments on human rights, and requests the Secretary-General to take the appropriate steps in order to finance the meeting from the available resources of the United Nations regular budget;

"25. Requests the Secretary-General to report to the General Assembly at its fifty-third session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

"26. Decides to continue giving priority consideration, at its fifty-third session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled 'Human rights questions'."

15. At its 48th meeting, on 26 November, the Committee had before it a revised draft resolution (A/C.3/52/L.36/Rev.1), submitted by Albania, Argentina, Australia, Austria, Bulgaria, Cameroon, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Georgia, Germany, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, San Marino, Slovakia, Solomon Islands, South Africa, Spain, Sweden, Turkmenistan, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

16. At the same meeting, the representative of Canada orally revised the draft resolution, as follows:

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[12] A/52/507, annex, para. 62.

[13] See A/52/507, annex, para. 75.

(a) A new preambular paragraph was inserted after the eighth preambular paragraph, reading:

"Concerned that lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages";

(b) In operative paragraph 1, the words "Welcomes with appreciation the report" were replaced by the words "Welcomes the submission of the report";

(c) The beginning of operative paragraph 21, which had read "Welcomes the recommendation of the persons chairing the human rights treaty bodies that efforts continue to be made to enhance coordination and cooperation", was replaced by "Notes that efforts continue to be made at coordination and cooperation".

17. Also at the same meeting, a vote was requested on operative paragraph 21, as orally revised.

18. Also at its 48th meeting, the Committee adopted operative paragraph 21, as orally revised, by a recorded vote of 97 to 4, with 41 abstentions. The voting was as follows:[14]

In favour: Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

Against: Cuba, Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic.

Abstaining: Algeria, Angola, Antigua and Barbuda, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, India,

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[14] The delegation of Yemen subsequently indicated that it had intended to abstain.

Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kyrgyzstan, Lebanon, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mozambique, Nepal, Nigeria, St. Kitts and Nevis, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Suriname, Thailand, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

19. Before the adoption of operative paragraph 21, statements were made by the representatives of Cuba, Nicaragua, Denmark, the Islamic Republic of Iran, the Sudan and India; after the adoption of paragraph 21, the representative of the Syrian Arab Republic made a statement (see A/C.3/52/SR.48).

20. At the same meeting, the Committee adopted draft resolution A/C.6/52/L.36/Rev.1, as orally revised, without a vote (see para. 23, draft resolution IV).

21. Before the adoption of the draft resolution, statements were made by the representatives of the Sudan and Cuba; after the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic and the Democratic People's Republic of Korea (see A/C.3/52/SR.48).

E. Draft decision

22. At its 50th meeting, on 26 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the Committee against Torture (A/52/44)[15] and the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/52/387) (see para. 24).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

23. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of

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[15] Official Records of the General Assembly, Fifty-second Session, Supplement No. 44 (A/52/44).

human rights, in particular the Universal Declaration of Human Rights,[16] the International Covenants on Human Rights,[17] the International Convention on the Elimination of All Forms of Racial Discrimination,[18] the Convention on the Elimination of All Forms of Discrimination against Women[19] and the Convention on the Rights of the Child,[20]

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[21] all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

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[16] Resolution 217 A (III).

[17] Resolution 2200 A (XXI), annex.

[18] Resolution 2106 A (XX), annex.

[19] Resolution 38/180, annex.

[20] Resolution 44/25, annex.

[21] A/CONF.157/24 (Part I), chap. III.

Recalling that, in its resolution 51/85 of 12 December 1996, it requested the Secretary-General to submit to it at its fifty-second session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of, or accession to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Takes note of the report of the Secretary-General,[22] and requests him to submit to it at its fifty-third session an updated report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its fifty-third session under the sub-item entitled 'Implementation of human rights instruments'.

DRAFT RESOLUTION II

International Covenants on Human Rights

The General Assembly,

Recalling its resolution 50/171 of 22 December 1995, and taking note of Commission on Human Rights decision 1997/104 of 3 April 1997,[23]

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[22] A/52/359.

[23] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

Mindful that the International Covenants on Human Rights[24] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[25] form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary General[26] on the status of the International Covenant on Economic, Social and Cultural Rights,[24] the International Covenant on Civil and Political Rights[24] and the Optional Protocols to the International Covenant on Civil and Political Rights,[27]

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of the Covenant;

3. Invites the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political

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[24] Resolution 2200 A (XXI), annex.

[25] Resolution 217 A (III).

[26] A/52/446.

[27] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Stresses the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for the appropriateness of measures taken in those circumstances can be assessed;

6. Also stresses the importance of fully taking into account a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including the national reports of States parties, and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

7. Encourages the States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

8. Also encourages the States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

9. Takes note with appreciation of the annual reports of the Human Rights Committee submitted to the General Assembly at its fifty-first[30] and fifty-second sessions,[31] and takes note of general comments Nos. 25[32] and 26 adopted by the Committee;

10. Also takes note with appreciation of the reports of the Committee on Economic, Social and Cultural Rights on its twelfth and thirteenth,[33] and fourteenth and fifteenth[34] sessions, and takes note of general comments Nos. 6[35] and 7 adopted by the Committee;

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[30] Official Records of the General Assembly, Fifty-first Session, Supplement No. 40 (A/51/40).

[31] Ibid., Fifty-second Session, Supplement No. 40 (A/52/40).

[32] Ibid., Fifty-first Session, Supplement No. 40 (A/51/40), annex V.

[33] Official Records of the Economic and Social Council, 1996, Supplement No. 2 (E/1996/22).

[34] Ibid., 1997, Supplement No. 2 (E/1997/22).

[35] Ibid., 1996, Supplement No. 2 (E/1996/22), annex IV.

11. Invites the Committees to identify specific needs of States parties that might be addressed through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the possible participation of members of the Committees where appropriate;

12. Welcomes the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

13. Urges States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested and in their reports to make use of gender-disaggregated data;

14. Also urges States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the First Optional Protocol to the International Covenant on Civil and Political Rights;

15. Invites States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

16. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

17. Requests the Secretary-General to consider ways and means of assisting States parties to the International Covenants on Human Rights in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

18. Also requests the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources;

19. Once again urges the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps, in particular through the Office of Communications and Public Information of the Secretariat, to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

20. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

DRAFT RESOLUTION III

Fiftieth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Recalling that in adopting the Universal Declaration of Human Rights[34] on 10 December 1948, it recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Declaration provides an opportunity for the United Nations and its Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration and other international instruments and declarations in the field of human rights adopted subsequently,

Recognizing the Declaration as a common standard of achievement for all peoples and all nations, as well as the source of inspiration and the basis of subsequent progress in the field of human rights,

Concerned that international human rights standards are not fully and universally respected, that human rights continue to be violated in all parts of the world and that people still suffer misery and are deprived of full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity to respect fundamental human rights in all situations and to strengthen the United Nations in this regard,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political,

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[34] Resolution 217 A (III).

economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Convinced of the necessity of protecting and promoting human rights and fundamental freedoms, and determined to take new steps forward, nationally and with the increased cooperation and solidarity of the international community, with a view to achieving substantial progress in human rights,

Recalling the significance of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[35] as a milestone in the recognition and progressive development of all human rights and fundamental freedoms for all by the international community,

Stressing the importance of ensuring that full attention is given to the integration of the human rights of women into all preparations for and celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights,

Recognizing the fundamental importance of tolerance as an essential element in promoting a culture conducive to the acceptance of diversity and pluralism, and thereby to the fuller enjoyment of human rights,

Affirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Stressing the fact that realization of the full range of human rights requires effective policies and compliance at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Convinced that, in the light of the existing level of standard-setting in the field of human rights, a primary task of the United Nations is to promote the universal ratification of or accession to existing international instruments and their full implementation by all States parties to those instruments,

Recalling the decision of the General Assembly to convene, during its fifty-third session, a one-day plenary meeting, on 10 December 1998, to celebrate the fiftieth anniversary of the Declaration,[36]

Welcoming the international and national initiatives to commemorate the fiftieth anniversary of the Declaration, and commending the efforts made in all regions of the world to promote all human rights and fundamental freedoms,

1. Welcomes the activities undertaken by the United Nations High Commissioner for Human Rights to contribute to the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, and requests her to

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[35] A/CONF.157/24 (Part I), chap. III.

[36] Resolution 51/88, para. 8.

continue to coordinate all relevant activities within the United Nations system, bearing in mind the provisions of the Vienna Declaration and Programme of Action[35] for evaluation and follow-up;

2. Encourages all Governments and other actors to undertake additional efforts to develop education and information programmes, with a view to disseminating the text of the Universal Declaration of Human Rights and arriving at a better understanding thereof, and emphasizes in that regard the primary importance of grass-roots initiatives in promoting, through education and the media, a culture of all human rights and fundamental freedoms;

3. Invites Governments and the international community to continue to review and assess the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome, both through measures at the national level and through enhanced international cooperation, with a view to ensuring full enjoyment of all human rights and fundamental freedoms for all, taking into account developments that have taken place during the past fifty years;

4. Urges Governments to endorse and implement national programmes for the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights and to ensure wide participation, including the participation of public administration institutions, national institutions, non-governmental organizations, academic circles and all strata of civil society, and thereby to bring the letter and spirit of the Declaration to the awareness of all;

5. Urges those Governments that have not yet ratified the international human rights treaties and protocols adopted within the framework of the United Nations system to consider doing so, and calls upon all Governments to implement fully their international obligations in the field of human rights;

6. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on their possible contribution to the above-mentioned preparations;

7. Calls upon relevant United Nations organs and agencies, in the light of the principles set forth in the Universal Declaration of Human Rights, to make, within their respective mandates and fields of action, an assessment of, and to put forward pertinent conclusions on, the state of implementation and the impact of existing international human rights instruments;

8. Invites relevant United Nations organs and agencies, in coordination with the United Nations High Commissioner for Human Rights, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect all human rights and fundamental freedoms;

9. Invites Governments, the United Nations Secretariat, the Office of Communications and Public Information of the Secretariat, relevant organs and agencies of the United Nations system within their respective mandates, including the United Nations Educational, Scientific and Cultural Organization, other international organizations and non-governmental organizations, to

disseminate widely the Universal Declaration of Human Rights, as well as other international instruments in the field of human rights, with a view to ensuring the universality and full and comprehensive enjoyment of all human rights and fundamental freedoms;

10. Reaffirms its commitment to continue building on the inspiration of the Universal Declaration of Human Rights through the development of international human rights standards and of mechanisms for their promotion and protection, and taking into account developments over the past fifty years;

11. Encourages national human rights institutions, such as human rights commissions, ombudspersons and others, to play a significant role in the activities marking the fiftieth anniversary of the Declaration;

12. Invites non-governmental organizations to participate fully in the preparation and commemoration of the fiftieth anniversary of the Declaration and to intensify their campaign for greater understanding and better use of the Declaration;

13. Encourages the Commission on Human Rights, at its fifty-fourth session, to give the fiftieth anniversary of the Declaration attention commensurate with its historical significance.

DRAFT RESOLUTION IV

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 51/87 of 12 December 1996, as well as other relevant resolutions, and taking note of Commission on Human Rights decision 1997/105 of 3 April 1997,[37]

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[38]

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal

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[37] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

[38] A/CONF.157/24 (Part I), chap. III.

Declaration of Human Rights,[39] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

Recalling also the initiatives taken by a number of human rights treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or recurrence, of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments;

(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Concerned that lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages,

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[39] Resolution 217 A (III).

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[40]

1. Welcomes the submission of the report of the persons chairing the human rights treaty bodies on their eighth meeting, held at Geneva from 15 to 19 September 1997,[41] and takes note of their conclusions and recommendations;

2. Encourages each treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

3. Welcomes the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system;[42]

4. Encourages ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

5. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

6. Takes note with appreciation of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child[43] and the plan of action to strengthen implementation of the International Covenant on Economic, Social and Cultural Rights,[44] recalls the importance of administering those plans in accordance with established United Nations procedures, and requests the Secretary-General to include in his report prepared pursuant to the present resolution information on the implementation of those plans of action;

7. Reaffirms the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of

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[40] A/52/445.

[41] A/52/507, annex.

[42] E/CN.4/1997/74, annex.

[43] Resolution 44/25, annex.

[44] See resolution 2200 A (XXI), annex.

international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of that complementarity;

8. Welcomes the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

9. Takes note with appreciation, in this regard, of the efforts of the persons chairing the human rights treaty bodies at their eighth meeting to develop appropriate reforms of the reporting system, with a view to, inter alia, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

10. Calls upon the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[44] the International Covenant on Civil and Political Rights,[44] the International Convention on the Elimination of All Forms of Racial Discrimination,[45] the Convention on the Elimination of All Forms of Discrimination against Women,[46] the Convention on the Rights of the Child[41] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[47] which is being prepared with a view to identifying duplication of reporting required under those instruments;

11. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

12. Welcomes the publication of the revised Manual on Human Rights Reporting;

13. Requests the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the

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[45] Resolution 2106 A (XX), annex.

[46] Resolution 34/108, annex.

[47] Resolution 39/46, annex.

Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

14. Reiterates its concern about the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

15. Also reiterates its concern about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

16. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

17. Urges all States parties whose reports have been examined by human rights treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

18. Encourages the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

19. Recalls the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty bodies;

20. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

21. Notes that efforts continue to be made at coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, all acting within their respective mandates;

22. Recognizes the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

23. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

24. Requests the Secretary-General to include in his report prepared pursuant to the present resolution a detailed explanation of the basis for the payment of honoraria to the members of the human rights treaty bodies and suggestions to improve coherence in this regard;

25. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

26. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the request of the persons chairing the human rights treaty bodies that the Division for the Advancement of Women of the Secretariat prepare a study, for use by the United Nations High Commissioner for Human Rights and the treaty bodies, analysing what each treaty body has done to incorporate gender perspectives into its work and making practical suggestions about what each could do to further incorporate gender perspectives;[48]

27. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

28. Welcomes the request of the persons chairing the human rights treaty bodies to hold an extraordinary three-day meeting early in 1998 to pursue the reform process aimed at improving the effective implementation of international instruments on human rights,[49] and requests the Secretary-General to take the appropriate steps to finance the meeting from the available resources of the regular budget of the United Nations;

29. Requests the Secretary-General to report to the General Assembly at its fifty-third session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

30. Decides to continue giving priority consideration, at its fifty-third session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

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[48] A/52/507, annex, para. 62.

[49] Ibid., para. 75.

24. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with implementation of human rights instruments

The General Assembly takes note of the following reports:

(a) Report of the Committee against Torture;[50]

(b) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture.[51]

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[50] Official Records of the General Assembly, Fifty-second Session, Supplement No. 44 (A/52/44).

[51] A/52/387.